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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,720	01/22/2004	Michael L. Whitehead	10628.00080	5216
22908	7590	12/21/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5/27

Office Action Summary	Application No. 10/762,720	Applicant(s) WHITEHEAD, MICHAEL L.	
	Examiner Yean-Hsi Chang	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/27 & 7/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US 3,369,175) in view of Spark Plug Firing Indicator – PM-3030 of AGRIEMACH Ltd. (here on AGRIEMACH).

Morris teaches an apparatus (fig. 1) for sensing a high voltage pulse in a spark plug wire of an internal combustion engine comprising, in combination: a handle (22) of conductive material having an outer end (on the right fig. 1) and an inner contact end (near 24), said handle defining a longitudinal axis (not shown), a bulb retention tube (11) of nonconductive material (see col. 2, lines 333-34) affixed to the inner contact end of the handle (shown in fig. 1), said tube comprising an axial extension from the handle, and having an opposite tube end (14, fig. 1), a bulb (20) positioned in the tube, said bulb including a first contact (25) in electrical communication with the inner contact end of the handle and a second contact end (21) extending in the opposite axial direction in the tube, and a conductive probe member (13) attached to the opposite tube end, said conductive probe member electrically connected to the second contact end of said bulb

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to form a series circuit through the probe, the bulb and the handle (see figs. 1 and 4), said probe further including a probe end (18) spaced from the connection to the tube, said probe end configured to fit over a spark plug wire whereby manual placement of the probe over a wire having a high voltage pulse will by capacitive coupling to the probe generate a current flow through the bulb to ground (see fig. 1) (claim 1); wherein the probe end of the probe member comprises a partial concave surface (shown in fig. 5) (claim 2); a conductive biasing member (26) in the tube forming a part of the series circuit between the handle and the probe member (claim 3); wherein the handle, tube and probe member are coaxial and generally cylindrical with a uniform diameter (shown in fig. 1) (claim 4); and a pocket retention clip (27) on the handle (claim 5).

Morris teaches an opening 28 on the bulb retention tube for showing the bulb instead of having the bulb retention tube made of a translucent material.

AGRIEMACH teaches a spark plug firing indicator PM-3030 as shown in the attached photograph, having a bulb retention tube of translucent material for showing a neon bulb enclosed thereby.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spark plug firing indicator of Morris with the bulb retention tube taught by AGRIEMACH for better protecting the bulb and for user's safety.

Correspondence

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
December 19, 2005


YEAN-HSI CHANG
PRIMARY EXAMINER